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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,259	03/05/2002	Nobuhiro Minami	2418.45US01	6762

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Douglas J. Christensen
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EXAMINER

LAZOR, MICHELLE A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,259

Applicant(s)

MINAMI ET AL.

Examiner

Michelle A Lazor

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/5/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: “die” in line 2 of the claim is misspelled (currently spelled “due”). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Masui et al. (U.S. Patent No. 5759594).

Masui et al. disclose a method comprising press molding a substrate material and a skin material and simultaneously cutting a peripheral portion of the substrate material in order to remove an unnecessary or waste portion from the substrate material, but without cutting the skin material, wherein the substrate material is cut at or before completion of the molding step (column 3, lines 24 – 30 and column 11, lines 26 – 43); and wherein the molding step further comprises closing a first die and a second die, wherein the first die receives the substrate material and the second die receives the skin material (column 2, lines 57 – 63 and column 5, lines 12 – 37), and the cutting step further comprises moving a cutter toward the substrate material while simultaneously closing the first and second dies (column 6, lines 10 – 13); additionally wherein the cutter comprises a first (54) and second (50, 30) cutter element, the first cutter element or blade cooperating with the second cutter element or indentation when the first and second dies

are closed (Figure 2; column 5, lines 37 – 61). Thus Masui et al. disclose all the limitations of Claims 1 – 4, and anticipate the claimed invention.

4. Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Shibata (JP11077691 or equivalent English Translation).

Shibata discloses a method comprising press molding a substrate material and a skin material and simultaneously cutting a peripheral portion of the substrate material in order to remove an unnecessary or waste portion from the substrate material, but without cutting the skin material, wherein the substrate material is cut at or before completion of the molding step; and wherein the molding step further comprises closing a first die and a second die, wherein the first die receives the substrate material and the second die receives the skin material, and the cutting step further comprises moving a cutter (6) toward the substrate material while simultaneously closing the first and second dies (Figures 1 – 7); additionally wherein the cutter comprises a first cutter element comprising a cutting blade (g) arranged and constructed to move in a direction of the closing of the first and second dies and the second cutter element (a) comprising a cutting edge formed on the first die, wherein the cutter blade moves and cooperates with the cutting edge when the first and second dies close (Figures 8 – 12; Detailed Description of the Invention).

Thus Shibata disclose all the limitations of Claims 1 – 4, and anticipate the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al. as applied in Claim 1 above, in view of Shibata.

Masui et al. disclose all the limitations of Claim 1 including moving the cutter blade from a retracted position to a projected position prior to cutting the substrate material (column 5, lines 12 – 29), but do not specifically disclose a first cutter element comprising a cutting blade arranged and constructed to move in a direction of the closing of the first and second dies and the second cutter element comprising a cutting edge formed on the first die, wherein the cutter blade moves and cooperates with the cutting edge when the first and second dies close. However, Shibata discloses a first cutter element comprising a cutting blade (g) arranged and constructed to move in a direction of the closing of the first and second dies and the second cutter element (a) comprising a cutting edge formed on the first die, wherein the cutter blade moves and cooperates with the cutting edge when the first and second dies close (Figures 8 – 12; Detailed Description of the Invention). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use two cutting elements as disclosed by Shibata to improve or enhance cutting of the substrate or core material.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al. and Shibata as applied in Claim 6 above, further in view of Sakamoto (U.S. Patent No. 6368546).

Masui et al. and Shibata disclose all the limitations of Claim 1 including the molding step further comprising heating and pressing the substrate material and the skin material (Masui et al.: column 3, lines 10 – 30), but do not disclose the substrate material to comprise a mixture of natural fibrous materials and thermoplastic resin-based fibrous materials; rather Masui et al.

disclose using a substrate material made from thermoplastic fibers (column 5, lines 11 – 15). However, Sakamoto discloses materials made from natural fibrous materials and thermoplastic resin-based fibrous materials may be used as an art alternative to thermoplastic fibers (column 7, lines 41 – 49). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use either thermoplastic fibers or natural fibrous materials mixed with thermoplastic resin-based fibrous materials since they are considered to be equivalent or alternative materials to be used when molding films.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al., Shibata, and Sakamoto as applied in Claim 7 above, further in view of Ota et al. (U.S. Patent No. 5811053).

Masui et al., Shibata, and Sakamoto disclose all the limitations of Claim 1, but do not disclose drawing a vacuum to pre-form the skin material received within the second die prior to press molding the substrate material and the skin material. However, Ota et al. disclose drawing a vacuum to pre-form the skin material received within the second die prior to press molding the substrate material and the skin material (Abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the molding precision of the part of the surface skin member (Abstract).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al. as applied in Claim 1 above, in view of Sakamoto.

Masui et al. disclose all the limitations of Claim 1 including the molding step further comprising heating and pressing the substrate material and the skin material (column 3, lines 10 – 30), but do not disclose the substrate material to comprise a mixture of natural fibrous

materials and thermoplastic resin-based fibrous materials; rather Masui et al. disclose using a substrate material made from thermoplastic fibers (column 5, lines 11 – 15). However, Sakamoto discloses materials made from natural fibrous materials and thermoplastic resin-based fibrous materials may be used as an art alternative to thermoplastic fibers (column 7, lines 41 – 49). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use either thermoplastic fibers or natural fibrous materials mixed with thermoplastic resin-based fibrous materials since they are considered to be equivalent or alternative materials to be used when molding films.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al. as applied in Claim 1 above, in view of Ota et al..

Masui et al. disclose all the limitations of Claim 1, but do not disclose drawing a vacuum to pre-form the skin material received within the second die prior to press molding the substrate material and the skin material. However, Ota et al. disclose drawing a vacuum to pre-form the skin material received within the second die prior to press molding the substrate material and the skin material (Abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to improve the molding precision of the part of the surface skin member (Abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu (U.S. Patent No. 5834037) discloses using multiple blades for cutting an edge during a press molding (Abstract; Figures 3 and 4), however the above claimed configuration is

not specifically disclosed in the specification, and therefore Wu does not render the claims unpatentable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232.

The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MAL
10/29/04



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